

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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VOX FUNDING LLC

Index No.: 504456/2024

Plaintiff,
-against-

**AFFIRMATION OF
SERVICE**

CXOSYNC LLC D/B/A CXOSYNC et al.,

Defendants.
-----X

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

YESHAYA GORKIN, an attorney duly admitted to practice law before the Courts of the State of New York, hereby affirms, under the penalty of perjury, as follows:

1. I am a partner of Ainsworth Gorkin PLLC, attorneys for Plaintiff, am over the age of 18, am not a party to this action, and am a resident of the State of New York.

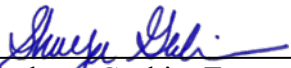
2. On, 2/29/2024, I caused to be served a true and accurate copy of the NOTICE OF ELECTRONIC FILING and SUMMONS WITH NOTICE upon RUPEN PATEL, by certified mail, return receipt requested, by depositing the same in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York designated for that purpose, addressed to:

RUPEN PATEL
1600 S PRAIRIE AVE UNIT 1208, CHICAGO, IL 60616

3. The forgoing method of service was authorized by Defendants under the Merchant Agreement, which is the subject to the dispute herein (a copy of which is attached hereto as **Exhibit A**). The Appellate Division, Second Department has held that service of process by mail as per the terms of a written agreement is sufficient and reasonably calculated to apprise a defendant of the pendency of a lawsuit. *See Matter of New York Merchants Protective Co., Inc., v. Mima's Kitchen, Inc.*, 114 A.D.3d 796 (2d Dep't 2014); *see also, Matter of Fernandez (Universal Underwriters Ins.) Co.*, 130 A.D. 2d 657 (2d Dep't 1987).

4. I provided the Department of Defense Man Power Data Center service with the pertinent information about RUPEN PATEL, such as the social security number which I know because that information was provided by RUPEN PATEL in connection with his application to Plaintiff. Based upon the response I received from the Department of Defense Manpower Data Center dated March 1, 2024, I am convinced that RUPEN PATEL is not in any branch of the United States military.

Dated: New York, New York
March 1, 2024


Yeshaya Gorkin, Esq.